

Appl. No. 10/656,991
Amendment Dated June 1, 2004
Reply to Office action of March 25, 2004

REMARKS

The Applicant has reviewed the Office action dated March 25, 2004 and thanks Examiner Pickard for her detailed review of the pending claims. In response to the Office action, the Applicant has amended claims 1, 11 and 21. Further, claims 2-3, 12-13 and 22 have been canceled while claims 28-29 have been added. In the course of amending the claims no new matter has been added. Accordingly, claims 1, 4-11, 14-21 and 23-29 are pending in the application. The Applicant respectfully requests reconsideration of the claims in view of the above amendments and the following remarks.

Claim Rejection Under 35 U.S.C. §102

The Office action rejects claims 1-3, 5-13 and 15-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,386,551 to Martin. In view of the amendments to independent claims 1, 11 and 21, the Applicants respectfully traverse the rejection.

Claims 1, 11 and 21 have been amended to include the novel features that the inner layer of the boot seal wall is resistant to grease while the outer layer of the boot seal wall is resistant to ozone. While the Martin patent teaches a boot seal having two layers, the Martin patent fails to teach a boot seal wall having an inner layer resistant to grease and an outer layer resistant to ozone. In contrast, the distinguishing feature between the two materials used in the Martin patent is that the inner ply 20 is softer than the outer ply 22. (See Column 5, lines 1-2.) Nowhere does the Martin patent discuss chemical resistance of the materials. Instead, the inner ply 20 of the Martin patent is softer than the outer ply 22 to improve surface micro-roughness and imperfections of the boot and hence improve the seal of the boot about the linkage.

The Martin patent fails to teach each limitation of the independent claims, as amended. Further, claims 4-10 and 15-27 are dependent claims adding additional features to the independent claims. Accordingly, for at least these reason the claims are allowable and the Applicant respectfully requests removal of the rejection with respect to pending claims 1, 4-11 and 15-27.

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Claim Rejection Under 35 U.S.C. §103

The Office action rejects claims 4 and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,386,551 to Martin. The Office action argues that the inner and outer layers made from HNBR and EPDM rubber is considered a matter of design choice and not inventive. In response, the Applicants respectfully traverse the rejection.

First, claims 4 and 14 are dependent claims adding additional features to the patentable subject matter of independent claims 1 and 11. For at least this reason the claims are patentable and the Applicant requests removal of the rejection.

Further, the selection of HNBR and EPDM rubbers for the inner and outer layers, respectively, is not an obvious selection or matter of design choice. As discussed above with respect to the rejection under §102(b) the Martin patent does not teach or suggest a boot with an inner layer resistant to grease and an outer layer resistant to ozone. Therefore, the selection of HNBR rubber for resistance to grease and EPDM rubber for resistance to ozone are novel and non-obvious. Additionally, the Martin patent simply teaches the inner ply being softer than the outer ply and, in fact, teaches away from a grease resistant inner layer and an ozone resistant outer layer. Accordingly, for at least these reasons the claims are patentable and the rejection should be removed.

New Claims

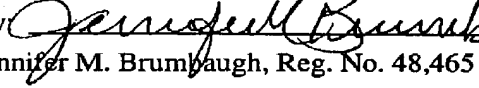
Claims 28-29 are added to the present application to further define the scope of the invention. The addition of claims 28 and 29 does not add new matter and the Applicant respectfully requests their allowance.

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Respectfully submitted,

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